

87<sup>th</sup> Legislative Session – 2012

Committee: House Judiciary

Wednesday, February 08, 2012

P - Present  
E - Excused  
A - Absent

Roll Call

P Abdallah  
P Boomgarden  
P Feinstein  
P Gibson  
P Hansen (Jon)  
P Killer  
P Kopp  
P Nelson (Stace)  
P Russell  
P Tornow  
P Turbiville  
P Gosch, Vice-Chair  
P Hunt, Chair

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Chairman, Representative Roger Hunt.

MOTION: TO APPROVE THE MINUTES OF MONDAY, FEBRUARY 6, 2012.

Moved by: Gibson  
Second by: Hansen (Jon)  
Action: Prevailed by voice vote.

Chairman Hunt passed the gavel to Vice-Chair Gosch.

HB 1254: revise certain provisions pertaining to the decision of a pregnant mother considering termination of her relationship with her child by an abortion, to establish certain procedures to insure that such decisions are voluntary, uncoerced, and informed, and to revise certain causes of action for professional negligence relating

to performance of an abortion.

Presented by: Representative Roger Hunt

Proponents: Dr. Patti Giebink, Self, Chamberlain  
Stacey Wollman, Care Net Pregnancy Research Center  
Arlene Cook, Self, Crooks  
Linda Johnson, SD Right to Life  
Linda Schauer, Concerned Women For America  
Dale Bartscher, Family Heritage Alliance Action Inc.  
Travis Benson, Catholic Diocese of Sioux Falls

Opponents: Alisha Sedor, NARAL Pro-Choice, SD  
Mitch Richter, SD Advocacy Network for Women

MOTION: AMEND HB 1254

1254rb

On page 3, line 16, of the printed bill, after "will" insert ". Coercion also exists if the pregnant mother is induced to refrain from an abortion by any other person under circumstances, or in such a manner, which deprives her from making a free decision or exercising her free will".

Moved by: Gibson

Second by: Killer

Action: Was not acted on.

MOTION: SUBSTITUTE MOTION AMEND HB 1254

1254ra

On page 2, line 6, of the printed bill, delete "subdivision 34-23A-59(5)" and insert "section 8 of this Act".

On page 11, line 10, after "who" insert "knowingly and intentionally".

Moved by: Nelson (Stace)

Second by: Hansen (Jon)

Action: Prevailed by voice vote.

MOTION: DO PASS HB 1254 AS AMENDED

Moved by: Nelson (Stace)  
Second by: Tornow  
Action: Prevailed by roll call vote. (10-2-1-0)

Voting Yes: Abdallah, Boomgarden, Hansen (Jon), Kopp, Nelson (Stace), Russell, Tornow, Turbiville, Gosch, Hunt

Voting No: Gibson, Killer

Excused: Feinstein

MOTION: AMEND HB 1254

1254rb

On page 3, line 16, of the printed bill, after "will" insert ". Coercion also exists if the pregnant mother is induced to refrain from an abortion by any other person under circumstances, or in such a manner, which deprives her from making a free decision or exercising her free will".

Moved by: Gibson  
Second by: Killer  
Action: Failed by voice vote.

Vice-Chair Gosch returned the gavel to Chair Hunt.

HB 1205: exempt federal veterans' disability benefits from certain support obligations and other claims.

Presented by: Representative Patricia Stricherz (Handouts: #1 and #2)  
Opponents: Terry Walter, Department of Social Services

MOTION: DEFER HB 1205 TO THE 41<sup>ST</sup> LEGISLATIVE DAY

Moved by: Turbiville  
Second by: Gibson  
Action: Prevailed by roll call vote. (8-4-1-0)

Voting Yes: Abdallah, Boomgarden, Gibson, Hansen (Jon), Russell, Turbiville, Gosch, Hunt

Voting No: Killer, Kopp, Nelson (Stace), Tornow

Excused: Feinstein

HB 1194: revise certain provisions regarding the payment for rape and sexual offense examinations.

Presented by: Representative David Novstrup

Proponents: Dianna Miller, SD Network Against Family Violence and Sexual Assault  
Paul Bachand, SD State's Attorneys Association

MOTION: DO PASS HB 1194

Moved by: Abdallah

Second by: Gosch

Action: Prevailed by roll call vote. (12-0-1-0)

Voting Yes: Abdallah, Boomgarden, Gibson, Hansen (Jon), Killer, Kopp, Nelson (Stace), Russell, Tornow, Turbiville, Gosch, Hunt

Excused: Feinstein

MOTION: PLACE HB 1194 ON CONSENT CALENDAR

Moved by: Abdallah

Second by: Gosch

Action: Failed by voice vote.

Chair Hunt passed the gavel to Vice-Chair Gosch.

HB 1126: establish provisions that a bond paid by, or on behalf of, a defendant in a criminal case shall be paid to the Department of Social Services to pay any child support the defendant owes.

Presented by: Representative Roger Hunt (Handouts: #3)

Proponents: Dan Todd, Department of Social Services

MOTION: AMEND HB 1126

1126rb

On the printed bill, delete everything after the enacting clause and insert:

"Section 1. That chapter 25-7 be amended by adding thereto a NEW SECTION to read as follows:

Notwithstanding any provision of chapter 23A-43 to the contrary, bond deposited with, or surety given to the court, whether or not personally posted by the defendant, to assure appearance of an individual charged with nonsupport of a child under § 25-7-15 or 25-7-16 or subject to civil proceedings to enforce child support obligations, may, at the discretion of the court, be ordered paid to the Department of Social Services or the support obligee and applied to child support arrearages either as a condition of the sentence imposed by the court or as a result of the individual's failure to appear as required by the court."

Moved by: Nelson (Stace)  
Second by: Hansen (Jon)  
Action: Prevailed by voice vote.

MOTION: DO PASS HB 1126 AS AMENDED

Moved by: Hunt  
Second by: Nelson (Stace)  
Action: Was not acted on.

MOTION: SUBSTITUTE MOTION AMEND THE PENDING AMENDMENT

1126rd

On the previously adopted amendment (1126rb), after "contrary," delete "bond deposited with, or surety given to the court,".

Moved by: Boomgarden  
Second by: Gibson  
Action: Withdrawn.

MOTION: DEFER HB 1126 UNTIL FRIDAY, FEBRUARY 10, 2012.

Moved by: Turbiville  
Second by: Nelson (Stace)  
Action: Prevailed by voice vote.

Vice-Chair Gosch returned the gavel to Chair Hunt.

MOTION:     ADJOURN

Moved by:     Hansen (Jon)

Second by:    Nelson (Stace)

Action:        Prevailed by voice vote.

Bonnie Fischer  
Committee Secretary

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Roger W. Hunt, Chair